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9

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 BASIC WATER COMPANY SPE 1 LLC, a
Nevada limited liability company,

13 Plaintiff,
14 vs.

15 SOUTH WEST ENTERPRISE HOLDINGS,
LLC, a Nevada limited-liability company;
16 ASSURED REAL ESTATE, INC., a Nevada
corporation,

17 Defendants.

Case No.: 2:21-cv-01663-RFB-DJA

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINES
TO RESPOND TO BASIC WATER
PARTIES' PENDING MOTIONS [ECF
NOS. 4, 5, AND 9]**

[SECOND REQUEST]

19 SOUTH WEST ENTERPRISE HOLDINGS,
LLC, a Nevada limited-liability company,

20 Counter-claimant,
21 vs.

22 BASIC WATER COMPANY SPE 1 LLC, a
Nevada limited-liability company; THE
LANDWELL COMPANY, L.P., a Delaware
limited partnership; BASIC WATER
COMPANY, LLC, a Nevada limited-liability
company; BASIC REMEDIATION COMPANY,
LLC, a Nevada limited-liability company; BASIC
MANAGEMENT, INC., a Nevada corporation;
UNITED STATES OF AMERICA, and DOES I-
X.

27 Counter-defendants.

1 Defendant/Counter-claimant South West Enterprise Holdings, LLC, Defendant Assured Real
 2 Estate, Inc., Plaintiff/Counter-defendant Basic Water Company SPE 1, LLC, Counter-defendant The
 3 LandWell Company, L.P., Counter-defendant Basic Water Company, Inc., Counter-defendant Basic
 4 Remediation Company, LLC, Counter-defendant Basic Management Inc., and Counter-defendant
 5 United States of America,¹ by and through their undersigned counsel, hereby stipulate and agree,
 6 subject to this Court's approval, to extend the deadlines to file responses to the Basic Water parties'
 7 pending dispositive motions by 21 days, or from their current deadline of October 12, 2021, to
 8 November 2, 2021. The motions at issue are the Motion to Dismiss Third Amended Counterclaims
 9 for Business Disparagement, Trade Libel, Tortious Interference with Contract, and Civil Conspiracy
 10 (ECF No. 4), Motion for Partial Summary Judgment (Liability) for Trespass and Nuisance (ECF No.
 11 5), and Motion for Partial Summary Judgment on South West Enterprise Holdings, LLC's
 12 Counterclaim for Slander of Title (First Counterclaim for Relief) (ECF No. 9). This is the second
 13 request to extend these deadlines.

14 As set forth below, good cause exists to extend the above-referenced deadlines. Presently
 15 before this Court are three dispositive motions filed by the Basic Water parties. In order to
 16 streamline briefing on the dispositive motions, the parties previously agreed to consolidate the
 17 response deadlines to the same date, or October 12, 2021, which this Court allowed. (ECF No. 13.)
 18 Recently, the United States indicated an intent to file a motion to dismiss or other request seeking
 19 dismissal with prejudice from this action. Based on the United States' position, South West believes
 20 additional time to file responses to the pending dispositive motions is prudent to conserve the
 21 parties' and the Court's resources. All parties are in agreement to the extension. This stipulation is
 22 submitted in good faith, is not interposed for delay, and is not filed for an improper purpose.

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27 ¹ Agreement to this Stipulation shall not be construed as a parties' concession that this Court has
 28 jurisdiction over this action. The parties expressly reserve their rights to make such argument in any
 motion seeking remand or dismissal.

1 Based on the forgoing, the parties submit that good cause exists to grant this stipulation to
2 extend the deadlines to respond to the above-referenced motions to November 2, 2021.

3 Dated this 11th day of October, 2021.

4 RICE REUTHER SULLIVAN & CARROLL,
5 LLP

6 By: /s/ Anthony J. DiRaimondo

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13 *Attorneys for Basic Water Company SPE 1
14 LLC, The LandWell Company, L.P., Basic
15 Water Company, Inc., Basic Remediation
16 Company, LLC, and Basic Management Inc.*

17 Dated this 11th day of October, 2021.

18 UNITED STATES ATTORNEY'S OFFICE

19 By: /s/ Rachel Kent

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22 District of Nevada
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27 *Attorneys for United States of America*

28 **ORDER**

29 **IT IS SO ORDERED.**

30 
31 **RICHARD E. BOULWARE, II**
32 **United States District Court**

33 DATED this 12th day of October, 2021.